

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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**Carla Jones,**

**Plaintiff,**

**v.**

**Civil Action No.:  
JURY DEMANDED**

**Alliance Healthcare Services, Inc.**

**Defendant.**

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**VERIFIED COMPLAINT FOR VIOLATION OF  
THE FAMILY & MEDICAL LEAVE ACT**

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COMES NOW Plaintiff Carla Jones (“Ms. Jones”), by and through counsel, and for her Complaint against Alliance Healthcare Services, Inc. (“Alliance”) states and alleges as follows:

**NATURE OF COMPLAINT**

1. Ms. Jones brings this action under federal law, specifically the Family & Medical Leave Act (“FMLA”) 29 U.S.C. § 2601 *et seq.*
2. Ms. Jones brings this action against Defendant for interference with her rights under the FMLA, 29 U.S.C. § 2601 *et seq.*
3. Defendant’s actions were in direct violation of the FMLA, 29 U.S.C. § 2601 *et seq.*
4. For said violations, Ms. Jones is seeking compensation for back-pay, front pay, liquidated damages, and attorney’s fees.

**PARTIES**

5. Ms. Jones is an adult resident of Mason, Tipton County, Tennessee.

6. Upon information and belief, Defendant is a Tennessee-based corporation.
7. Defendant is registered to do business in Tennessee and may be reached for service through its registered agent, Glankler Brown, PLLC, 6000 Popular Ave., Suite 400, Memphis, Tennessee 38119-3955.

### **JURISDICTION & VENUE**

8. This Court has original federal jurisdiction pursuant to 28 U.S.C. § 1311 because this case is brought under the FMLA 29 U.S.C. § 2601 *et seq.*
9. Defendant is a legal entity in the State of Tennessee so as to give this Court personal jurisdiction over Defendant.
10. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Ms. Jones's claims occurred in this district.

### **FACTUAL BACKGROUND**

11. Ms. Jones was hired by Alliance in April of 2018 as a case worker for mentally-ill patients.
12. Following the death of her father, Ms. Jones was approved for intermittent FMLA leave in order to care for her elderly mother, who suffers from dementia.
13. In September 2020, Ms. Jones's mother contracted COVID-19 while Ms. Jones's seven-year-old daughter was out of school for virtual learning.
14. Ms. Jones requested and Alliance approved a renewal of Ms. Jones's intermittent FMLA leave on September 3, 2020.
15. On October 8, 2020, Ms. Jones texted her supervisor that she would need to use FMLA leave that day and October 9 to care for her mother who was in the hospital.

16. On Monday October 12, Ms. Jones called her supervisor to tell him that she would need to remain on FMLA leave to care for her mother who was still in the hospital.
17. She requested a meeting with her supervisor to discuss her continuing need for leave.
18. On the morning of October 13, supervisor Michael Sims called Ms. Jones and insisted she bring lunch that day for the class she normally taught.
19. Ms. Jones reminded him that she was caring for her mother but reluctantly agreed, while making it clear she would need to immediately return to the care of her mother in the hospital.
20. After delivering the food, Ms. Jones texted the supervisor to confirm that she had done as instructed.
21. He acknowledged her text and suggested they meet later that day to discuss her leave issues.
22. Ms. Jones asked if she could come immediately to meet, but Mr. Sims apparently did not receive this text until later in the day; he then suggested they meet on the following day.
23. The next day, October 14, 2020, before Ms. Jones was able to meet with Mr. Sims, she was notified by Sherrilyn Thomas, an Alliance Human Resources representative, that Ms. Jones should return her laptop computer because she had been terminated.

#### **COUNT 1 – VIOLATION OF THE FMLA**

24. Ms. Jones realleges and incorporates all allegations as if actually set forth herein.
25. At all relevant times, Defendant was an employer with more than fifty employees.
26. At all relevant times, Ms. Jones was a “covered employee” for purposes of FMLA.
27. The FMLA entitles a covered employee to twelve workweeks of unpaid leave within any twelve-month period. 29 U.S.C. § 2612.

28. Any FMLA-eligible employee who takes leave that is protected under the statute shall be entitled, on return from such leave, to be restored by the employer to their former position or its equivalent. 29 U.S.C. § 2614(a).
29. The FMLA prohibits employers from interfering with an employee's rights under the statute. 29 U.S.C. § 2615(a)(1)(A).
30. Alliance acted in bad faith by willfully and knowingly violating Ms. Jones's FMLA rights by terminating her while on FMLA leave.

**PRAYER FOR RELIEF**

WHEREFORE, Ms. Jones prays as follows:

- A declaratory judgment that the practices complained of herein were unlawful under the FMLA.
- An award of money damages for unpaid wages, including front pay, back pay and liquidated damages in an amount to be determined at trial, attorney's fees, and any and all such legal and equitable relief as the Court deems necessary, just, and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all causes of action and claims with respect to which she has a right to a jury trial.

Respectfully submitted,

s/Philip Oliphant

Alan G. Crone, TN Bar No. 014285

Philip Oliphant, TN Bar No. 025990

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*Attorneys for Plaintiff*

**DECLARATION AND VERIFICATION**

I, **Carla Jones**, verify and declare that the facts stated in the foregoing Verified Complaint to the best of my knowledge and belief are true, and that the Complaint is not made out of levity or by collusion with the Defendant, but in sincerity and truth for the causes mentioned in the Complaint.



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**Carla Jones**

07 / 22 / 2021

Date: \_\_\_\_\_



## Audit Trail

<b>TITLE</b>	Jones Alliance Health Care ---Complaint to review & verify
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## Document History



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